

Leisure World of Maryland Corporation

3701 Rossmore Boulevard • Silver Spring, Maryland 20906

(301) 598-1000

August 27, 1999

Federal Communications Commission
445 Twelfth Street, SW, TW-A325
Washington, DC 20554

Re: WT Docket No. 99-217
CC Docket No. 96-98

Gentleman:

Enclosed are our comments regarding the FCC Forced Entry Issue.

If your office need any additional information regarding this issue, please contact me on
(301)598-1000.

Sincerely,



Robert E. Sullivan
General Manager

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Leisure World of Maryland Corporation
Robert E. Sullivan, General Manager
3701 Rossmoor Boulevard
Silver Spring, Maryland 20906
August 27, 1999

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)	
)	
Promotion of Competitive Networks)	WT Docket No. 99-217
in Local Telecommunications Markets)	
)	
Wireless Communications Association)	
International, Inc. Petition for Rule making to)	
Amend Section 1.4000 of the Commission's Rules)	
to Preempt Restrictions on Subscriber Premises)	
Reception or Transmission Antennas Designed)	
to Provide Fixed Wireless Services)	
)	
)	
Cellular Telecommunications Industry)	
Association Petition for Rule Making and)	
Amendment of the Commission's Rules)	
to Preempt State and Local Imposition of)	
Discriminatory And/Or Excessive Taxes)	
and Assessments)	
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
of 1996)	

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Leisure World of Maryland Corporation
Robert E. Sullivan, General Manager
3701 Rossmoor Boulevard
Silver Spring, Maryland 20906
August 27, 1999

COMMENTS

1. These comments are filed by Leisure World of Maryland, a Community located at 3701 Rossmoor Boulevard, Silver Spring, Maryland. The Community, created for individuals 55 years or more pursuant to special zoning of Montgomery County Maryland consists of some 4,600 dwelling units, both high rise and low rise, in which reside some 6,800 individuals. These units are organized into one cooperative and 22 condominiums, which own, in addition to their own residences, the beneficial interest in a trust consisting of common property such as a medical center, restaurants, clubhouses, etc.
2. At the outset, it should be noted that, it can be assumed that our residents favor competition among suppliers of goods and services where such competition will result in lower costs and better quality. However, by reason of their choice of Leisure World as a residence, they do not want to encourage entry at will upon Leisure World properties by individuals seeking to sell products and services. In fact, our regulations are drawn in such fashion as to protect our residents' privacy and freedom from unwanted solicitation, e.g., entry to our community is restricted. However, residents may allow solicitors to call on them by authorizing entry by notification to our security gate operators.
3. In the case of cable suppliers service is through a contract with the concerned associations. Other than the telephone company, our buildings have been wired through contract with a cable company franchised by the County. Another has recently been franchised. There have been negotiations with satellite providers for a central antennae, but none have resulted as yet in a contract. So far as we know, relatively few residents have installed individuals dishes pursuant to the OTARD rules.

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4. If the FCC is considering a rule authorizing forced entry at will by telecommunications service providers for the purpose of installing wiring, digging ditches for conduits or making other alterations of property to accommodate proposed services we object forcefully. Major safety, security, and service disruption risks are a real possibility. Our senior citizens, many of whom have varying degrees of infirmity may be placed in harm's way with a risk of dangerous consequences.
5. It must be obvious from the above that we oppose any action by the Federal Government which would violate our privacy and subject us to unwelcome intrusion by entrepreneurs seeking to augment their financial well being at the cost of what would appear to be a forced invasion of our private property contrary to our desire for a quiet and peaceful existence.
6. Oddly, the present inquiry, if we understand it correctly, seems to be an attack on representative government, in that it suggests that governing boards do not act in the best interest of their constituencies. Although we are aware that this can happen on occasion, in the case of our residents, there are measures to correct such action such as the elective process.
7. In essence, it appears to us, that petitioners want to place themselves in a position to better sell their services through forced entry into private dwellings. Such an approach should no more be encouraged than a mandate of free access into our homes by sellers of other goods and services.
8. Such power in the Commission, if it exists, would obviously be a delegation by the Congress. We consider it doubtful that Congress has such power under the Constitution,

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and in any event any purported delegation should be made only through clear and unmistakable language, not by inference.

9. In conclusion, we emphasize that we encourage approaches to our residents through conventional channels, and so far as we are aware, no governing body has reason not to consider a competing proposal by any provider who can offer less expensive or better service than an existing provider. Moreover, if a new telecommunications provider is successful in selling its services to our residents, Leisure World Management as well as the governing body of the Condominium or Cooperative involved in the service will cooperate fully with the new provider to coordinate all the necessary activities to accommodate installation of the service. Only in that way can we insure safety for all our residents, security of our community, minimal interference with the daily activities of the community at large, and correction of all damage to common and limited common elements of our properties.
10. For all of the foregoing reasons we cannot endorse the radical approach suggested by the present inquiry, an approach which appears not only to raise constitutional questions but also appears to threaten the right of our residents to choose peaceful possession and enjoyment of their homes.